

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

KIMBERLY SEIBEL, et al.,

Defendants.

No. 2:21-cv-2382 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. On September 2, 2022, the court ordered service of the second amended complaint on defendants Seibel, Weaver, Scotland, and Suziqui through the court's e-service program. In response, CDCR filed a notice that defendants Scotland and Suziqui would waive service of process without the need for personal service. With respect to defendants Seibel and Weaver, CDCR notified the court that "There are no records of anyone by that name having worked in the capacity described in the complaint." (See ECF No. 25.)

The U.S. Marshal then attempted personal service of the complaint on defendants Seibel and Weaver. The Deputy Marshal was unable to effect service. The Deputy contacted the Litigation Coordinator at California State Prison, Sacramento. The Coordinator told the Deputy that they could not identify either defendant.

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1       In his second amended complaint, plaintiff identified defendant Seibel as a psychologist and  
2 defendant Weaver as a counselor. He claimed that both were employed at California State Prison,  
3 Sacramento, in June 2022. It appears that the prison does not have a record of either defendant in  
4 those positions. If plaintiff wishes to pursue an action against these defendants, he must provide  
5 additional information to serve them. Plaintiff should carefully review any records or other  
6 information he may have that could better identify these defendants. Plaintiff may also seek such  
7 information through discovery, the California Public Records Act, Calif. Gov't. Code § 6250, et  
8 seq., or other means available to plaintiff. If access to the required information is denied or  
9 unreasonably delayed, plaintiff may seek judicial intervention by showing he has made  
10 reasonable attempts to identify these defendants.

11       Accordingly, IT IS HEREBY ORDERED that:

12       1. The Clerk of the Court is directed to send to plaintiff two USM-285 forms, along with an  
13 instruction sheet and a copy of the second amended complaint filed July 1, 2022.

14       2. Within sixty days from the date of this order, plaintiff shall complete and submit the  
15 attached Notice of Submission of Documents to the court, with the following documents:

16           a. One completed USM-285 form for each defendant – Seibel and Weaver;

17           b. Three copies of the endorsed second amended complaint; and

18           c. One completed summons form (if not previously provided) or show good cause why  
19 he cannot provide such information.

20       Dated: October 24, 2022



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22  
23       DEBORAH BARNES  
24       UNITED STATES MAGISTRATE JUDGE  
25  
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27  
28       DLB:9  
29       DB prisoner inbox/civil rights/R/hill2382.unserved

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NOTICE OF SUBMISSION

Plaintiff submits the following documents in compliance with the court's order filed

\_\_\_\_\_:

completed summons form

completed USM-285 forms

copies of the Second Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff, Cymeyon Hill